

REMARKS

The claims have been amended in view of the Office action and in view of the remarks which follow, they are believed to be in condition for allowance.

Claim Rejections - 35 USC § 112

In part 2 of the Detailed Action, claim 6 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action stated as follows:

"Regarding claim 6, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP §§ 2173.05(d).

"Appropriate clarification/correction is required."

Claim Rejections - 35 USC § 103 (a)

In part 3 of the Detailed Action, claims 1-10, 12-23, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 5,801,067 of Shaw et al. (hereinafter Shaw).

The Office Action stated as follows:

"Shaw et al. teaches forming internal marking indicia on a marking location on an exterior surface of the chip for identification, forming an optically transmissive encapsulating material over the marking location of the chip (abstract). As the protection layer covers the inked code, it is broadly interpreted as an encapsulating material, and as its part of the finished product, as discussed above, it is interpreted not to be removable/integral to the device without teaching away from or destroying the device. The material is transparent or semitransparent since it permits the code to be read, and that the protective layer protects against damage, as is well-known and conventional for protection layers. Re claims 4 and 8, radiation is directed upon the indicia to read it (abstract), as is well known and conventional in the art."

A method and system for identifying and providing absolute identification on any visual medium or devices, to permit accurate recall of unique characteristics of the device being identifying. The recorded production information become the characteristics of the device, enabling fast and accurate identification and retrieval at a later date. The recording apparatus basically comprises a keyboard for inputting identification information for each device of a production lot, an electronic encoder for encoding the identification information into an index code, *a laser device for etching or engraving the index code to a surface of each device, an inking device for filling the etched surface of each device with ultraviolet or infrared ink, and a spraying device for spraying a protective coat over the etched surface of each device.* The index code can be retrieved at a later time for identifying each device from the production lot and the

*index code will remain invisible and not be seen by the naked eye.*

The retrieval apparatus basically comprises a laser illuminating device for emitting a beam of light onto the etched surface of each device and a code reader for receiving the deflected beam of light and translating the encoded index code into a readable data.

The amended claims make it clear that the indicia are visible, whereas Shaw teaches that the indicia are invisible in the ultraviolet or infra red range of light outside of the visible range of radiation. Accordingly it is clear that the reference fails to teach the concept of marking an item with visible indicia.

As to the "clear protective coat" formed over the index code in Shaw, there is no indication that it is intended to prevent or inhibit scraping it off of the device.

In summary, Shaw is believed to lead away from the teachings of the present invention, which is intended to provide markings which are readily visible and which are protected from scraping the protective layer from the chip.

In view of the amendments and the above remarks favorable action including allowance of the claims and the application as a whole are respectfully solicited.

Respectfully submitted,



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